

From: Gary Rehorka
To: Microsoft ATR
Date: 11/19/01 10:41am
Subject: Proposed Microsoft settlement

I am writing to express my concern over what I feel is a major shortcoming in the proposed settlement. Microsoft has been found to have engaged in illegal monopolistic activities. The proposed settlement seems only to deal with potential future acts by Microsoft and attempts to place controls on that behavior. Nothing in the settlement seeks to correct the harm Microsoft's illegal acts has caused. Microsoft escapes all punishment for having broken the law. It is my position that without some form of punishment the proposed settlement will always be fatally flawed.

Microsoft has acted to stifle competition in the past. Microsoft's illegal activities have forever changed the competitive landscape in the area of software development, both in regards to operation systems and consumer software. Microsoft has used its monopoly position to force out smaller competitors and to disincline the development of competing software products. It should be forced that correct that wrong by fostering competition in the future. I believe that a large fine, commensurate with the revenue Microsoft derived from it illegal activities, should be levied on Microsoft.

I propose that the fine levied on Microsoft should be used to correct the market changes the company's illegal activities have caused. The fine should be used to establish a fund that would provide monies to independent software developers to develop competing or complimentary software to that which Microsoft supplies. I would add the provision that the resulting code be made freely available to all interested parties using the method pioneered by the open software movement by having the software published using the GNU Public License. This will insure that the money illegally gained by Microsoft is used to reestablish a healthy competitive software industry.

Only by working to undo the harm done by Microsoft's illegal monopolistic behavior can the proposed settlement be seen as being in the interest of the American public. Simply attempting to restrain future illegal acts by Microsoft fails to address its past wrongs and leave Microsoft in a stronger position directly gained via illegal means.

Thank you for your consideration,

Gary Rehorka

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Gary Rehorka email: rehorka@cs.umass.edu
P.O. Box 601 phone: (413)259-1295
Shutesbury MA 01072

